

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

LATAWYNE D. OSBORNE,  
Plaintiff,

v.

Civil No. 3:20cv242(DJN)

J. ANDREWS, *et al.*,  
Defendants.

**MEMORANDUM OPINION**

Plaintiff Latawyne D. Osborne (“Plaintiff”), a federal inmate proceeding *pro se* and *in forma pauperis*, filed this action. (ECF No. 1.) A complaint must “give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Specifically, to state a viable claim under *Bivens*,<sup>1</sup> a plaintiff must allege that a person acting under color of federal authority deprived him or her of a constitutional right or of a right conferred by a law of the United States. *Goldstein v. Moatz*, 364 F.3d 205, 210 n.8 (4th Cir. 2004). Plaintiff’s current allegations fail to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on January 14, 2021, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. (ECF No. 15.) The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

More than thirty (30) days have elapsed since the entry of the January 14, 2021 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond

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<sup>1</sup> *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

to the January 14, 2021 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/



David J. Novak  
United States District Judge

Richmond, Virginia  
Dated: March 8, 2021